

October 22, 1954

George F. Nelson, Esq.,
Assistant Attorney General

Attorney General

Appropriation under Laws of 1951, c. 83, s. 4

Frank W. Morrill,
Audit Division,
Office of Legislative Budget Assistant
State House
Concord, New Hampshire

Dear Sir:

You have requested ruling upon the following two questions:

(1) Is this a special appropriation?

(2) Did the unused portion of this appropriation lapse at the expiration of three years from the date of its enactment?

The answers to these questions are:

(1) This is a special appropriation within the meaning of R.L., c. 22, s. 29.

(2) Yes, the unused portion lapsed three years from April 25, 1951, "unless there are obligations incurred by contract thereunder, made within said period, in which case there shall be no lapse until the satisfaction or fulfillment of such contractual obligations." R.L., c. 22, s. 29. The appropriation in Laws of 1951, c. 83 was not set out as a continuing appropriation or exempted from the aforesaid lapse provisions of R.L., c. 22, s. 29.

We assume that it may be readily determined whether there were in fact as of April 25, 1954 such contractual obligations in view of the requirements of R.L. c. 90-A as inserted by Laws of 1950, chapter 5, Part 9, s. 19.

Very truly yours,

George F. Nelson
Assistant Attorney General

GFN:EP

CC: Frank D. Morrill, Commissioner,
J. Harold Johnson, Ass't. Commissioner,
Dep't. Public Works and Highways

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